

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ag* D.C.
05 MAY -6 AM 8:32

ROBERT J. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

ROGER L. SMITH,

Plaintiff,

vs.

LIFE INSURANCE COMPANY OF
NORTH AMERICA, et al.

Defendants.

Civ. No. 05-2050-D/P

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was set for May 5, 2005. Prior to the conference, Pamela I. Atkins, counsel for plaintiff, and Amy J. Traub, for defendants submitted a joint proposed order which was approved by the Court. The following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): The parties filed the information required by Fed.R.Civ.P.26(a)(1) before this cause of action was transferred to the Western District of Tennessee.

JOINING PARTIES: July 5, 2005

AMENDING PLEADINGS: July 5, 2005

INITIAL MOTIONS TO DISMISS: August 5, 2005

COMPLETING ALL DISCOVERY: September 6, 2005

(a) **DOCUMENT PRODUCTION:** September 6, 2005

(b) **DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:** September 6, 2005

(c) **EXPERT WITNESS DISCLOSURE (Rule 26):**

(1) **DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:** August 6, 2005

(2) **DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:** August 6, 2005

(3) **RULE 26(e) SUPPLEMENTATION:** Shall be due at least 30 days before the end of the period allowed for discovery.

(4) **EXPERT WITNESS DEPOSITIONS:** September 6, 2005

FILING DISPOSITIVE MOTIONS: October 5, 2005

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for a non-jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately three (3) days.

This case may be appropriate for ADR. While the parties already engaged in private mediation before the certified mediator not all facts, circumstances and claims were known by the parties prior to mediation.

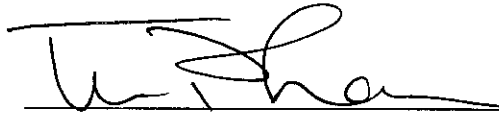
The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge
Date 5/5/05



Notice of Distribution

This notice confirms a copy of the document docketed as number 35 in case 2:05-CV-02050 was distributed by fax, mail, or direct printing on May 6, 2005 to the parties listed.

Nikole Marie Crow
CARTER & ANSLEY
1180 West Peachtree Street
2300 Atlantic Center Plaza
Atlanta, GA 30309

Elizabeth Johnson Bondurant
CARTER & ANSLEY
1180 West Peachtree Street
2300 Atlantic Center Plaza
Atlanta, GA 30309

Joseph M. Crout
BOWLING & BOWLING
7936 Players Forest Dr.
Memphis, TN 38119

Robert M. Williams
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Kenton Jones Coppage
CARTER & ANSLEY
1180 West Peachtree Street
2300 Atlantic Center Plaza
Atlanta, GA 30309

Pamela Ilene Atkins
GALLER & ATKINS
1117 Perimeter Center West
Suite W405
Atlanta, GA 30338

Jon Michael Gumbel
EPSTEIN BECKER & GREEN
945 East Paces Ferry Road
Resurgens Plaza Suite 2700
Atlanta, GA 30326--138

Kurt Russell Ward
GALLER & ATKINS
1117 Perimeter Center West
Suite W405
Atlanta, GA 30338

Amy J. Traub
EPSTEIN BECKER & GREEN
945 East Paces Ferry Road
Resurgens Plaza Suite 2700
Atlanta, GA 30326--138

Amy J. Traub
EPSTEIN BECKER & GREEN
250 Park Avenue
New York, NY 10177--121

Honorable Bernice Donald
US DISTRICT COURT